

E-Filed 7/8/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ERIC SMITH,

Petitioner,

v.

CARLA KENNEDY, et al.,

Respondent.

No. C 13-1441 RS (PR)

ORDER REOPENING ACTION;

**ORDER DISMISSING PETITION
WITH LEAVE TO AMEND**

This federal habeas corpus action was dismissed because petitioner failed to perfect his application to proceed *in forma pauperis* (“IFP”), or (2) pay the filing fee of \$5.00. Petitioner has since perfected his IFP application and now moves to reopen. The motion to reopen (Docket No. 9) is GRANTED, the action is hereby REOPENED, and the Clerk is directed to amend the docket accordingly. Petitioner’s IFP motion is GRANTED. The judgment (Docket No. 7) and the order of dismissal (Docket No. 6) are VACATED.


The petition contains no information regarding the fact or duration of his current detention. The sole claim is as follows: “No one is being — up front, concerning me. Testifying on Lazarur Ortega who killed his mom. Someone needs to get in contact with Judge Julie Conger.”

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1 Accordingly, the petition is DISMISSED with leave to amend. In his amended
2 petition, he must complete the entire petition application, and give full details concerning his
3 present incarceration. The first amended petition must include the caption and civil case
4 number used in this order (13-1441) RS (PR)) and the words FIRST AMENDED PETITION
5 on the first page. **If petitioner fails to file an amended petition on or before August 25,**
6 **2013, the petition will be dismissed under Federal Rule of Civil Procedure 41(b) for**
7 **failure to prosecute.** The Clerk shall terminate Docket No. 9.

8 **IT IS SO ORDERED.**

9 DATED: July 8, 2013


RICHARD SEEBORG
United States District Judge

United States District Court
For the Northern District of California